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**Human Services & Early Learning  
Committee**

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**E2SSB 5483**

**Brief Description:** Improving services for individuals with developmental disabilities.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Braun, Keiser, Palumbo, Sheldon, Becker, Short, Wilson, C., Hunt, Kuderer and Darneille).

**Brief Summary of Engrossed Second Substitute Bill**

- Requires the DSHS to offer crisis stabilization services to support the provider and the client in the client's current setting before a provider terminates services because the provider is unable to manage the client's care, subject to funding appropriated.
- Requires the DSHS to transition the client to another provider or transition the client to a residential habilitation center for crisis stabilization services until an alternative provider is determined in the event that a provider is unable to manage the client's care after crisis stabilization services are offered.
- Requires the DSHS to coordinate providing psychological and habilitative services to clients who are being cared for at a hospital without a medical need.
- Requires the DSHS to coordinate with the appropriate state agencies to reimburse any hospital that provides care for certain clients with developmental disabilities without a medical need, subject to funding appropriated.

**Hearing Date:** 3/27/19

**Staff:** Luke Wickham (786-7146).

**Background:**

*Developmental Disabilities Administration.*

The Department of Social and Health Services (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

and support based on individual preferences, capabilities, and needs. The DDA clients live in residential habilitation centers (RHC), an institutional setting, as well as in the community.

Eligibility for DDA services hinges on whether the client has a qualified developmental disability, has a functional need, and meets certain income and asset standards.

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

#### *Office of the Developmental Disabilities Ombuds.*

Disability Rights Washington contracts with the Department of Commerce (COM) to carry out the duties of the Office of the Developmental Disabilities Ombuds (Ombuds). Those duties include:

- providing information on the rights and responsibilities of persons receiving DDA services or other state services, and on the procedures for providing these services;
- investigating, upon its own initiative or upon receipt of a complaint, an administrative act related to a person with developmental disabilities alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds;
- monitoring the procedures as established, implemented, and practiced by the DSHS to carry out its responsibilities in the delivery of services to a person with developmental disabilities, with a view toward appropriate preservation of families and ensuring health and safety;
- reviewing periodically the facilities and procedures of state institutions which serve persons with developmental disabilities and state-licensed facilities or residences;
- recommending changes in the procedures for addressing the needs of persons with developmental disabilities;
- submitting an annual report;
- establishing procedures to protect the confidentiality of records and sensitive information to ensure that the identity of any complainant or person with developmental disabilities will not be disclosed without the written consent of the complainant or person, or upon court order;
- maintaining independence and authority within the bounds of the duties, insofar as this independence and authority is exercised in good faith and within the scope of contract; and
- carrying out such other activities as determined by the COM.

#### *"Stuck in Hospitals" Report.*

The Ombuds published a report in December 2018 regarding adults with developmental disabilities stuck in hospitals without any medical need. Many of these individuals were DDA clients who had been receiving residential services. The report included stories from hospital employees and hospitalized individuals.

The report includes policy recommendations related to the hospitalization without medical need of individuals with developmental disabilities.

#### **Summary of Bill:**

The DSHS must track and monitor the following items, within existing resources, and make the deidentified information available to the Ombuds, the Legislature, the Washington State Hospital Association, and the public upon request:

- certain information about clients receiving services from a provider that are taken to a hospital; and
- certain information about clients that are taken to a hospital once the provider terminates services.

A provider must notify the DSHS when a client is taken to a hospital so that the DSHS may track and collect information.

A provider must notify the DSHS before terminating services on the basis that the provider is unable to manage the client's care. Before the provider terminates services in this circumstance, the DSHS must offer crisis stabilization services to support the provider and the client in the client's current setting, subject to funding appropriated.

In the event that a provider is unable to manage the client's care after crisis stabilization services are offered, the provider may terminate services, and subject to funding appropriated, the DSHS must:

- transition the client to another provider; or
- transition the client to an RHC for crisis stabilization services until an alternative provider is determined.

The DSHS is responsible for frequently and appropriately communicating with a hospital that is caring for a client without a medical need, and providing frequent updates on transitioning the client to a more appropriate setting. The DSHS must coordinate providing psychological and habilitative services to clients who are being cared for at a hospital without a medical need. Subject to funding appropriated, the DSHS must coordinate with the appropriate state agencies to reimburse any hospital that provides care for: (1) a client without a medical need that is receiving services from a provider; and (2) a client without a medical need that is taken to a hospital once the provider terminated services.

**Appropriation:** None.

**Fiscal Note:** Requested on March 18, 2019.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.